

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS**

CLERK US DISTRICT COURT
NORTHERN DIST. OF TX
FILED

2018 DEC 26 AM 9:58

DEPUTY CLERK 

Shakena Adams
Plaintiff

v.

Southwest Airlines
Defendant

318 - CV 3394 - G

Civil Action No.

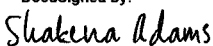
COMPLAINT

Southwest Airlines violated Title VII of the Civil Rights Act of 1964 when they discriminated against Shakena Adams on numerous occasions. Southwest Airlines also violated 42 U.S. Code 1981 when they retaliated against Ms. Adams for filing a complaint. Southwest Airlines wrongfully terminated Ms. Adams in retaliation and created a hostile environment causing Ms. Adams to suffer physical, emotional and economical harm.

- Ms. Adams began working at Southwest Airlines on 12/5/2011.
- Through the course Ms. Adams's time at Southwest Airlines she accumulated around 300 compliments for her service and work performance.
- In fact, during the last 6 months of Ms. Adams's employment she received 81 compliments
- The day of Ms. Adams's termination, she was recognized as having received the Southwest Warrior Spirit award. This award was in recognition for outstanding service, displaying that of a "servant's heart" and giving 100 percent daily. This recognition was awarded from the office of Gary Kelly, the C.E.O of Southwest Airlines.
- Despite having received this honor, Ms. Adams was terminated that day for not getting along with her colleagues.
- Though the company and department have a specific process leading to a termination which includes a Letter of Instruction (Verbal Warning), Letter (Written Warning) then Termination, this process and performance plan was not

* Attach additional pages as needed.

Date 12/17/2018

Signature 

Print Name Shakena Adams

Address 738 Saint Aidans Street

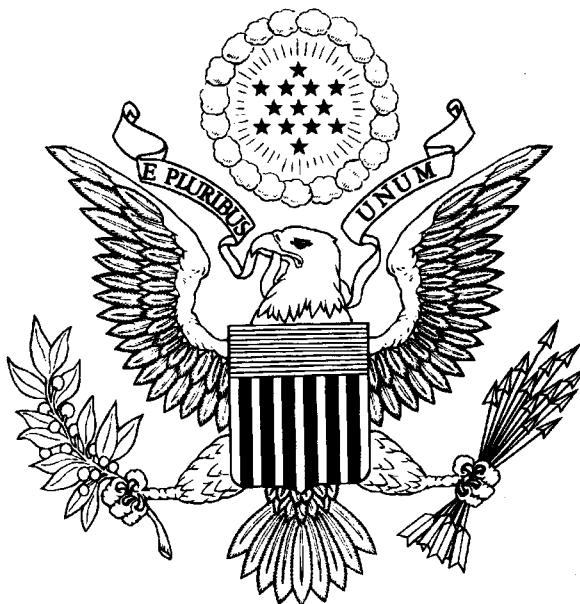
City, State, Zip Las Vegas, NV 89178

Telephone 702-955-3695

- Though the company and department have a specific process leading to a termination which includes a Letter of Instruction (Verbal Warning), Letter (Written Warning) then Termination, this process and performance plan was not followed for Ms. Adams.
- Ms. Adams did not receive a written warning prior to being terminated, which violates the company and department's policy.
- It is clear that Ms. Adams was negatively labeled by Southwest Airlines after making several complaints and the company sought to get rid of her.
- Evidence of the fact that Ms. Adams was negatively labeled, can be seen in the fact that Katherine Pappas, a supervisor of Ms. Adams openly told employees in the department that she did not like Ms. Adams because of the complaints Ms. Adams had previously made. The actions of Ms. Pappas humiliated Ms. Adams and inflicted additional emotional harm.
- In fact, Ms. Adams was told on one occasion that "snitches get stitches".
- The gross negligence of Ms. Pappas in informing employees of protected complaints filed by Ms. Adams, increased the hostility felt by Ms. Adams.
- During the time in which Ms. Adams was subjected to retaliation after filing complaints regarding discriminatory remarks made towards her, she suffered a heart attack and several anxiety attacks.
- The ambulance was called in response to her having suffered a heart attack on one occasion and in response to her having suffered anxiety attacks on two occasions.
- On the day in which Ms. Adams suffered a heart attack, she was being harassed by employees in the department.
- On the days in which Ms. Adams suffered anxiety attacks, she was too being harassed by fellow colleagues
- Throughout the course of Ms. Adams's time at Southwest Airlines, she suffered extreme emotional, physical and economical harm inflicted by members of leadership and employees within her department.
- New employees were informed of the complaints filed by Ms. Adams during their New Employee Orientation and told to stay away from her.
- Upon being told of this by several new employees, Ms. Adams suffered extreme depression.
- Ms. Adams was also treated in a mental facility due to the extreme conditions she endured at Southwest
- Upon finding out that Ms. Adams had to take medication, her colleagues were allowed to make fun of the fact she took medication.
- Ms. Adams was also told that she could not have her medication on her desk, despite there having been no rule or clause in the company's handbook that states as such
- It is clear that the actions of Southwest Airlines were a direct violation of Title VII of the Civil Rights Act of 1964, as she was discriminated against and ridiculed because of her race and disability status.
- The retaliatory actions of Southwest Airlines were also direct violations of the law.
- It is also clear that Southwest Airlines also violated 42 U.S. Code 1981
- In a final attempt to retaliate against Ms. Adams she was wrongfully terminated.
- Southwest Airlines has allowed their substantial economical growth and success to make them feel that they are above the law.

- It is clear that due to their size and statue, this Southwest Airlines feels that they are permitted to treat employees in the manner detailed above, even if it violates the law.

PRO SE HANDBOOK FOR CIVIL SUITS



**UNITED STATES DISTRICT COURT
Northern District of Texas**

(Revised December 1, 2018)

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
Office of the Clerk**

Karen Mitchell
Clerk of Court

TO PRO SE LITIGANTS:

It is my honor to serve the judges, attorneys, and members of the public who use our services. This manual is intended to provide helpful information to *pro se* litigants on civil cases.

You are reminded that litigation in federal court is a complex process. You must follow the Federal Rules of Civil Procedure and the Local Rules of this Court. We strive to provide all customers with accurate assistance on available forms and filing procedures, but the Clerk's Office cannot give legal advice regarding the prosecution or defense of any case.

Please see our website at www.txnd.uscourts.gov for additional information, including instructions on electronic case filing. (Non-prisoner *pro se* litigants may participate unless prohibited by the presiding judge.) You will also find answers to some of the most Frequently Asked Questions.

We welcome your feedback on this manual and our services.

Karen Mitchell
Clerk, United States District Court
Northern District of Texas

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1. Introduction

A. Overview

The Court has prepared this manual for you as someone who is interested in filing a lawsuit or must appear in a lawsuit *pro se*, or without a lawyer. (“*Pro se*” is Latin phrase meaning “for himself” or “for herself.”) It will help you understand the basics of the legal process but will not teach you about the law. For that, you must do your own research. This manual is not a substitute for having your own lawyer. You are urged to hire a lawyer, if possible.

Chapter 2 will help you decide whether you should file your lawsuit here. If you do, Chapters 3 through 10 will explain how to file it, and how it will proceed once you do. At the end, there is a glossary of legal terms that may be unfamiliar to you.

Please visit our website at www.txnd.uscourts.gov for access to the Local Rules (LR) and Federal Rules of Civil Procedure (FRCP), court forms, and Electronic Case Filing information. (When you register for electronic filing, you may file documents from the convenience of your home, and you will receive email notification when the opposing side files a document or the Court enters an order, as soon as its entered on the docket.)

If, **after reading this Handbook and reviewing the materials available on our website**, you still have questions about your case, you may wish to contact the Clerk’s Office. Please understand that **court employees may not give legal advice**. This means they cannot interpret rules or a judge’s order, calculate a deadline, give advice on how to proceed, or speculate on the outcome of a matter.

B. Locations and Office Hours

The Clerk's Office has seven divisional offices, which are open Monday through Friday, except legal holidays. Their locations and public office hours are shown below:

Abilene - Division 1

341 Pine Street, Room 2008

Abilene, Texas 79601-5928

Phone (325) 677-6311

8:30 a.m. - 12:00 p.m., 1:00 p.m. - 4:30 p.m.

Amarillo - Division 2

205 S.E. Fifth Street, Room 133

Amarillo, Texas 79101-1559

Phone (806) 468-3800

8:30 a.m. - 12:00 p.m., 1:00 p.m. - 4:30 p.m.

Dallas - Division 3

1100 Commerce Street, Room 1452

Dallas, Texas 75242-1310

Phone (214) 753-2200

8:30 a.m. - 4:30 p.m.

Fort Worth - Division 4

501 West 10th Street, Room 310

Fort Worth, Texas 76102

(817) 850-6600

8:30 a.m. - 4:30 p.m.

Lubbock - Division 5

1205 Texas Avenue, Rom 209

Lubbock, Texas 79401-4091

(806) 472-1900

8:30 a.m. - 12:00 p.m., 1:00 p.m. - 4:30 p.m.

San Angelo - Division 6

33 East Twohig Street, Room 202

San Angelo, Texas 76903-6451

(325) 655-4506

8:30 a.m. - 12:00 p.m., 1:00 p.m. - 4:30 p.m.

Wichita Falls - Division 7

1000 Lamar Street, Room 203

Wichita Falls, Texas 76301-3431

(940) 767-1902

8:30 a.m. - 12:00 p.m., 1:00 p.m. - 4:30 p.m.

If you mail a filing to the Court, address your envelope to the *Hon. Karen Mitchell, Clerk of Court*, at the correct divisional office.

C. Legal Holidays

The District Clerk's Office is closed on the following holidays:

- New Year's Day
- Martin Luther King, Jr.'s Birthday
- George Washington's Birthday (commonly referred to as President's Day)
- Memorial Day
- Independence Day
- Labor Day
- Columbus Day
- Veterans Day
- Thanksgiving Day
- Christmas Day

If the Clerk's Office is closed by the Court on any other day, or due to inclement weather, closure information will be posted on the Court's website at www.txnd.uscourts.gov.

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2. Questions to Ask Before Filing a Lawsuit

Filing a lawsuit does not necessarily mean that you will get the result you want. There are five important questions to ask before you file a lawsuit in federal court. There are other questions you may also need to consider, depending on your case, but the list below is a good place to start.

A. Does the law recognize my injury?

A lawsuit requires a legal injury that the law recognizes and for which it provides a remedy. Many things that are "wrong" are not illegal. Which statute or court decision do you think that the defendant has violated? After you have determined that you have a legal claim, you must decide whether this court is the proper court to hear your lawsuit.

B. Have I waited too long to file a lawsuit?

The "statute of limitations" sets a time limit within which a lawsuit can properly be filed. If the deadline has passed before you file suit, the Court may dismiss your case. Whether your claim is barred by a statute of limitations is a question that may require legal research on your part.

C. Who are the right defendants?

You may only sue defendants whom you believe are responsible for the wrong you have suffered. When you write your complaint, include facts (such as specific dates, names, and events) that support the relief you seek against **each** person you have sued. Listing a name in the caption of the complaint is not enough. If the main part (or “body”) of the complaint does not say what a person listed in the caption did wrong, that person could be dismissed from your case.

D. What facts and evidence support my case?

The person who brings a claim in federal court, known as the “plaintiff,” has the “burden of proof.” That means the plaintiff must establish that some injury under law actually happened. You should not sue someone whom you will not be able to show violated your rights. You need facts to support your claims, and evidence, such as medical or police reports, a witness who saw what happened, or other proof is helpful.

E. Have I exhausted administrative remedies?

If you want to appeal the decision of a governmental agency, the law may require you to complete **all** of the agency’s administrative procedures for appealing its rulings **before** you file a lawsuit.

For example, the denial of an application for social security benefits can be appealed to a federal court only after a final decision on the application is issued by the Commissioner of the Social Security Administration. Similarly, a claim of employment discrimination must be filed with the Equal Employment Opportunity Commission (EEOC) or its partner state agencies before a claim may proceed in federal court. Time limits often apply, so you are encouraged to visit an agency’s website to learn more information or access available forms. For your convenience, the Social Security Administration’s website is www.ssa.gov, and the EEOC’s website is www.eeoc.gov. You may be able to find other agencies’ websites easily through the federal government’s information website www.info.gov or by calling (800) FED-INFO (800.333.4636).

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3. Jurisdiction - Should I file my complaint in the U.S. District Court, Northern District of Texas?

There are two different court systems in the United States: state courts and federal courts. Before you file a case in *federal* court, first make sure it has **jurisdiction** over your potential lawsuit, which means the power to hear and decide certain cases.

State courts may hear almost any type of case, including civil, domestic (divorce, child custody, and child support), probate and property disputes. However, federal courts, such as the U.S. District Court for the Northern District of Texas, may only hear *certain* types of cases. For a federal court to have jurisdiction over your case, one of the following must apply:

- Your claim is that a *federal* law or the U.S. Constitution has been violated (“Federal Question” jurisdiction);
- You intend to sue the United States government (“U.S. Government Defendant” jurisdiction); or
- You are a citizen of a different state than the defendant(s) **and** you claim to be owed at least \$75,000 (“Diversity” jurisdiction).

If you believe that a federal court will have jurisdiction over your case, you must file your case in the right *district*. Each state has one or more federal district courts. Texas has four - the Northern District, the Eastern District, the Western District, and the Southern District.

Each district has one or more divisional offices that serve specific counties within the district. The seven divisions in the Northern District of Texas serve the 100 counties below:

- **Abilene Division** - Callahan, Eastland, Fisher, Haskell, Howard, Jones, Mitchell, Nolan, Shackelford, Stephens, Stonewall, Taylor, and Throckmorton;
- **Amarillo Division** - Armstrong, Brisco, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hall, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Parmer, Potter, Roberts, Randall, Roberts, Sherman, Swisher, and Wheeler;
- **Dallas Division** - Dallas, Ellis, Hunt, Johnson, Kaufman, Navarro, and Rockwall;
- **Fort Worth Division** - Commanche, Erath, Hood, Jack, Palo Pinto, Parker, Tarrant, and Wise;
- **Lubbock Division** - Bailey, Borden, Cochran, Crosby, Dawson, Dickens, Floyd, Gaines, Garza, Hale, Hockley, Kent, Lamb, Lubbock, Lynn, Motley, Scurry, Terry, and Yoakum;
- **San Angelo Division** - Brown, Coke, Coleman, Concho, Crockett, Glasscock, Irion, Menard, Mills, Reagan, Runnels, Schleicher, Sterling, Sutton, and Tom Green; and
- **Wichita Falls Division** - Archer, Baylor, Clay, Cottle, Crockett, Foard, Hardeman, King, Knox, Montague, Wichita, Wilbarger, and Young.

CIVIL COVER SHEET

DEC 26 2018

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

CLERK U.S. DISTRICT COURT
NORTH IN DISTRICT OF TEXAS

I. (a) PLAINTIFFS

SHAKENA ADAMS

(b) County of Residence of First Listed Plaintiff Clark County

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

DEFENDANTS

Southwest Airlines

County of Residence of First Listed Defendant Dallas County

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

318 - CV3394 - G

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input checked="" type="checkbox"/> 4 |
| Citizen of Another State | <input checked="" type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
				FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Title VII of the Civil Rights Act of 1964, 42 U.S. Code 1981

Brief description of cause:

Employment Discrimination, Retaliation and Wrongful Termination

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

300,000.00

CHECK YES only if demanded in complaint:

JURY DEMAND:

☐ Yes ☒ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

12/17/2018

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here. United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
- Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
- Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click [here](#) for: Nature of Suit Code Descriptions.
- V. Origin.** Place an "X" in one of the seven boxes.
- Original Proceedings. (1) Cases which originate in the United States district courts.
- Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
- Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
- Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
- Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
- Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
- Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
- PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If a related case exists, whether pending or closed, insert the docket numbers and the corresponding judge names for such cases. A case is related to this filing if the case: 1) involves some or all of the same parties and is based on the same or similar claim; 2) involves the same property, transaction, or event; 3) involves substantially similar issues of law and fact; and/or 4) involves the same estate in a bankruptcy appeal.

Date and Attorney Signature. Date and sign the civil cover sheet.

FedEx

Express

RT 267
6 16:30
A
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